

**HOUSE RULES RESOLUTION - STANDING
COMMITTEE PROCESS AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Ralph Becker

LONG TITLE

General Description:

This House resolution enacts specific procedures governing the consideration of bills, substitutes, and amendments in standing committees.

Highlighted Provisions:

This resolution:

- ▶ requires that proposed bills receive a public hearing in a standing committee;
 - ▶ establishes a process for the public to submit written comments on proposed bills, substitutes, and amendments;
 - ▶ requires the committee chair to include guidelines about testifying before a standing committee with the agenda;
 - ▶ requires that each person testifying before a standing committee complete a form disclosing identification information;
 - ▶ establishes a precise procedure for considering each bill, substitute, or amendment before the committee including requirements for:
 - a presentation by the sponsor or the sponsor's designee;
 - questions from the committee;
 - a public hearing on the bill that allows noncommittee members to testify, with details about the order of testimony and provisions encouraging fairness;
 - the formal closing of the public hearing and return to the committee for action;
- and



• a final statement by the sponsor about the bill, substitute, or amendment before the committee takes a vote on the bill; and

▸ clarifies the process for administering oaths to persons testifying before the committee.

Special Clauses:

This resolution provides an immediate effective date.

Legislative Rules Affected:

AMENDS:

HR-23.13

HR-24.12

REPEALS:

HR-24.14

Be it resolved by the House of Representatives of the state of Utah:

Section 1. **HR-23.13** is amended to read:

HR-23.13. Standing Committee Review.

(1) (a) The House of Representatives may not pass a bill, joint resolution, or concurrent resolution during the annual general session that has not been reviewed by a House standing committee.

~~[(2)]~~ (b) This rule does not apply to:

~~[(a)]~~ (i) any resolution regarding legislative rules or legislative personnel;

~~[(b)]~~ (ii) bills that have been approved by an interim committee;

~~[(c)]~~ (iii) the revisor's statute; or

~~[(d)]~~ (iv) the appropriations act, the supplemental appropriations acts, the school finance act, the executive compensation act, and any bonding act that has been reviewed and approved by the Executive Appropriations Committee.

(2) (a) (i) The committee chair shall include as part of the agenda a notice in substantially the following form: "Notice: Any person interested in submitting written comments about any bill on this agenda may do so by submitting those comments to the committee chair or committee staff, with sufficient copies so that each committee member and each committee staff member receives a copy and five extra copies."

59 (ii) The chair shall ensure that any written comments received are distributed to
60 committee members before the bill is discussed.

61 (b) The chair shall attach to each agenda guidelines explaining requirements for
62 testifying to the standing committee, including those specified in this rule as well as any other
63 special requirements that the chair intends to enforce.

64 (3) The chair shall ensure that each person wishing to speak to the committee
65 completes a form that identifies:

66 (a) the person's name;

67 (b) the entity or organization that the person represents, if any;

68 (c) the estimated amount of time that the person will need to address the committee
69 and respond to questions; and

70 (d) a way to contact the person, which might include the person's telephone number,
71 email address, or postal address.

72 (4) (a) For each bill included on a House standing committee agenda, the standing
73 committee chair or person presiding shall comply with the procedures contained in this
74 Subsection (4) in the order stated.

75 (b) The presiding officer shall:

76 (i) allow the sponsor and the sponsor's designee, if any, to present and explain the
77 purpose of the bill in detail;

78 (ii) allow standing committee members to ask questions of the sponsor and allow the
79 sponsor to respond to those questions;

80 (iii) after completion of the sponsor's presentation and committee question period, open
81 a public hearing on the bill;

82 (iv) if necessary, establish time limits for members of the public wishing to address the
83 committee and enforce those time limits to ensure, to the degree practicable, that public
84 proponents and opponents have approximately equal opportunity to address the committee;

85 (v) direct members of the public addressing the committee to avoid making redundant
86 statements and to ensure that their comments are relevant and germane to the bill being
87 considered by the committee;

88 (vi) allow members of the public that the committee has invited to address it on the
89 issue, if any, to speak first and to respond to questions from the committee;

(vii) allow executive or judicial branch representatives, if any are present, to address the issue;

(viii) allow members of the public who have signed the speaker's form to address the committee in the order that they signed the form;

(ix) if time permits:

(A) allow other members of the public who did not sign the speaker's sheet to address the committee; and

(B) allow other members of the public who have already addressed the committee additional time to supplement their comments;

(x) end the public hearing by announcing that the public hearing will be closed unless any committee member objects;

(xi) if any committee member objects to the chair's decision to end the public hearing, submit the question of closing the public hearing to the committee for its vote;

(xii) if the committee upholds the objection, continue the public hearing;

(xiii) if the committee votes to end the public hearing, or if no committee member objects to ending the public hearing, formally announce that the public hearing on the bill has ended and return to the committee for motions, discussion, and decision; and

(xiv) before taking a vote on the bill, allow the sponsor to make a final statement about the bill.

(c) After announcing the end of the public hearing, the presiding officer may not accept any comments from members of the public unless the committee reopens the public hearing portion of the meeting by majority vote.

(5) (a) For each substitute bill and for each amendment to a bill or substitute bill being considered by a House standing committee, the standing committee chair or person presiding shall comply with the procedures contained in this Subsection (5) in the order stated.

(b) The presiding officer shall:

(i) allow the legislator proposing the substitute or amendment, and that legislator's designee, if any, to present and explain the purpose and effect of the substitute or amendment in detail;

(ii) allow standing committee members to ask questions of the sponsor and allow the sponsor to respond to those questions;

121 (iii) after completion of the sponsor's presentation and committee question period, open
122 a public hearing on the substitute or amendment;

123 (iv) if necessary, establish time limits for members of the public wishing to address the
124 committee and enforce those time limits to ensure, to the degree practicable, that public
125 proponents and opponents have approximately equal opportunity to address the committee;

126 (v) direct members of the public addressing the committee to avoid making redundant
127 statements and to ensure that their comments are relevant and germane to the substitute or
128 amendment being considered by the committee;

129 (vi) allow members of the public that the committee has invited to address it on the
130 issue, if any, to speak first and to respond to questions from the committee;

131 (vii) allow executive or judicial branch representatives, if any are present, to address
132 the issue;

133 (viii) allow members of the public who have signed the speaker's form to address the
134 committee in the order that they signed the form;

135 (ix) if time permits:

136 (A) allow other members of the public who did not sign the speaker's sheet to address
137 the committee; and

138 (B) allow other members of the public who have already addressed the committee
139 additional time to supplement their comments;

140 (x) end the public hearing by announcing that the public hearing will be closed unless
141 any committee member objects;

142 (xi) if any committee member objects to the chair's decision to end the public hearing,
143 submit the question of closing the public hearing to the committee for its vote;

144 (xii) if the committee upholds the objection, continue the public hearing;

145 (xiii) if the committee votes to end the public hearing, or if no committee member
146 objects to ending the public hearing, formally announce that the public hearing on the
147 substitute or amendment has ended and return to the committee for motions, discussion, and
148 decision; and

149 (xiv) before taking a vote on the amendment, allow the sponsor of the substitute or
150 amendment to make a final statement about the substitute or amendment.

151 (c) After announcing the end of the public hearing, the presiding officer may not accept

any comments from members of the public unless the committee reopens the public hearing portion of the meeting by majority vote.

(6) (a) During the public hearing on a bill or amendment, the presiding officer may, or a majority of the committee may, require that any person's or all persons' testimony be taken under oath.

(b) The presiding officer shall administer the oath, or direct staff to administer the oath, in one of the following forms:

(i) (A) The presiding officer or committee staff shall ask the witness: "Please stand, raise your right hand, and swear to the following:" "Do you solemnly swear that the information you shall give in this meeting shall be the truth, the whole truth, and nothing but the truth, so help you God?"

(B) The presiding officer or the committee staff shall wait for the witness to answer, then say:

"In testifying before this committee, in addition to other penalties, be advised that it is a second degree felony for a person to make a false material statement under oath in an official proceeding such as this one."

(ii) (A) In the alternative, the presiding officer or the committee staff shall ask the witness: "Please stand, raise your right hand, and affirm to the following:" "Do you solemnly affirm that the information you shall give in this meeting shall be the truth, the whole truth, and nothing but the truth under the penalties of perjury."

(B) The presiding officer or the committee staff shall wait for the witness to answer, then say:

"In testifying before this committee, in addition to other penalties, be advised that it is a second degree felony for a person to make a false material statement under affirmation in an official proceeding such as this one."

Section 2. **HR-24.12** is amended to read:

HR-24.12. Committee Responsibilities.

(1) Each committee shall send a report to the House on each bill referred to it. With a majority vote, the committee may transmit bills with a favorable recommendation. Bills may be amended, held, tabled, returned to the House Rules Committee, or substituted in committee. Unless the bill is tabled, held, or returned to the House Rules Committee, the committee shall

make a favorable recommendation on the matter to the House. Any bill tabled in committee shall be held until the next meeting, at which time it can be lifted from the table by a two-thirds vote of the committee. Any bill tabled in committee and not lifted at its next committee meeting shall be sent to the House Rules Committee for filing. When a motion to lift a tabled bill is made, the proponents shall be given five minutes to address the motion, the opponents shall be given five minutes to address the motion, and the proponents shall be given one minute to sum up. If a tabled bill is lifted at the next committee meeting, no further action may be taken at that time. However, if the bill is scheduled for a subsequent meeting, it may receive other committee action, including being reported out favorably. A tabled bill can be lifted from the House Rules Committee by a constitutional two-thirds vote of the House of Representatives. If a bill is tabled in a standing committee meeting and a Representative desires to lift the tabled bill from that committee prior to the committee's next meeting, the Representative may do so only with the approving vote of two-thirds of all elected Representatives.

(2) The committee may prepare a bill addressing the same subject matter to be introduced under committee sponsorship. The chief sponsor or sponsors of a bill may request in writing that committee members sponsor the measure. Upon agreement by the committee, the individual sponsor may relinquish individual sponsorship of the bill. A majority vote of the committee is required to amend, substitute, table, recommend, hold, or sponsor a bill.

(3) Except as specifically provided in this rule regarding the House Rules Committee, HR-24.01 governs the actions that may be appropriately taken by the House Rules Committee.

(4) A secretary shall record attendance and take minutes of committee action. The records shall be filed for three years in the office of the Chief Clerk of the House.

(5) ~~[If the chair allows]~~ During public comment or testimony on a bill or other matter before the committee, the chair may, or a majority of the committee may, require that any person's or all persons' testimony be taken under oath.

Section 3. Repealer.

This bill repeals:

Rule **HR-24.14, Public Hearing.**

Section 4. Effective date.

This resolution takes effect upon approval by a constitutional majority vote of all

214 members of the House of Representatives.

Legislative Review Note
as of 1-7-04 12:59 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**House Rules Resolution-Standing Committee Process Amendments***19-Jan-04***Bill Number HR0002***12:06 PM*

State Impact

Provisions of this resolution can be enacted within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst